

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

ALEX LEONARD AZEVEDO,
Plaintiff,
v.
DAVID RICK NELSON, et al.,
Defendants.

No. 2:24-cv-02995-DAD-AC (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS AND DENYING
PLAINTIFF'S REQUEST FOR LEAVE TO
PROCEED IN FORMA PAUPERIS

(Doc. Nos. 2, 10)

Plaintiff Alex Leonard Azevedo is a state prisoner proceeding *pro se* in this civil rights action brought pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On January 7, 2025, the assigned magistrate judge issued findings and recommendations recommending that plaintiff's request for leave to proceed in forma pauperis be denied. (Doc. No. 10 at 3.) Specifically, the magistrate judge concluded that plaintiff had previously filed three actions that were dismissed as frivolous, malicious, or for failing to state a claim, and his complaint in this action does not demonstrate that he was under imminent danger of serious physical injury at the time of filing the complaint. (*Id.* at 2.) Under these circumstances, the magistrate judge concluded that the Prison Litigation Reform Act of 1995 does not permit the plaintiff to proceed *in forma pauperis*. (*Id.* at 1.)

1 The pending findings and recommendations were served on the parties and contained
2 notice that any objections thereto were to be filed within fourteen (14) days after service. (*Id.* at
3 3.) Plaintiff filed objections to the findings and recommendations on January 15, 2025. (Doc.
4 No. 11.)

5 In his objections, plaintiff argues that he is unable to pay the entire filing fee at one time,
6 the previously dismissed cases were filed a long time ago, before he was released from custody,
7 plaintiff must file the action soon to comply with the applicable statute of limitations, and his
8 prior cases were dismissed because he did not have assistance. (*Id.* at 1–3.) None of these
9 constitute exceptions to the three strikes provision. *See* 28 U.S.C. § 1915(g).

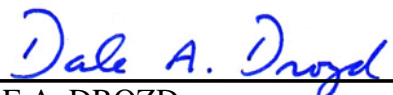
10 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a
11 *de novo* review of the case. Having carefully reviewed the entire file, including plaintiff's
12 objections, the court concludes that the findings and recommendations are supported by the
13 record and by proper analysis.

14 Accordingly:

- 15 1. The findings and recommendations issued on January 7, 2025 (Doc. No. 10) are
16 ADOPTED IN FULL;
- 17 2. Plaintiff's motion to proceed in forma pauperis (Doc. No. 2) is DENIED; and
- 18 3. Plaintiff is ordered to pay the entire required filing fee of \$405 within thirty days
19 of the date of this order. Plaintiff's failure to do so will result in the dismissal of
20 this action.

21 IT IS SO ORDERED.

22 Dated: October 31, 2025

23 
24 DALE A. DROZD
25 UNITED STATES DISTRICT JUDGE
26
27
28